

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

NOVOZYMES A/S and NOVOZYMES  
NORTH AMERICA, INC.,

Plaintiffs,

v.

DANISCO A/S, GENENCOR  
INTERNATIONAL WISCONSIN, INC.,  
DANISCO US INC., and DANISCO USA  
INC.,

Defendants.

Case No. 10-CV-251

Judge Barbara C. Crabb

**NOVOZYMES' AMENDED PROPOSED VERDICT FORMS**

In light of the Court's decision at the Pretrial Conference to break the liability phase of the trial into two parts, plaintiffs Novozymes A/S and Novozymes North America, Inc. (collectively, "Novozymes") hereby submit Novozymes' Amended Proposed Verdict Forms – 1, – 2, and – 3.<sup>1</sup>

---

<sup>1</sup> For the reasons explained in Novozymes' Motion *in Limine* No. 1 and during the Pretrial Conference, the issue of derivation should not be presented to the jury for decision at all and should certainly not be presented to the jury for decision if the jury finds that the specification of the '723 patent satisfies the written description requirement.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

NOVOZYMES A/S and NOVOZYMES  
NORTH AMERICA, INC.,

Plaintiffs,

v.

DANISCO A/S, GENENCOR  
INTERNATIONAL WISCONSIN, INC.,  
DANISCO US INC., and DANISCO USA  
INC.,

Defendants.

Case No. 10-CV-251

Judge Barbara C. Crabb

**VERDICT FORM - 1**

We, the jury, find as follows:

**Question No. 1:** Has Novozymes proven by a preponderance of the evidence that Danisco's Whole Broth products meet the "isolated variant" requirement and therefore infringe claims 1–5, 8–13 and 15–16 of the '723 patent?

**Answer:** Yes \_\_\_\_\_ No \_\_\_\_\_

**Question No. 2:** Has Danisco proven by clear and convincing evidence that the specification of the '723 patent does not contain an adequate written description for any of the following claims of the '723 patent:

**Answer:**

Claim 1	Yes (invalid) _____	No (valid) _____
Claim 2	Yes (invalid) _____	No (valid) _____
Claim 3	Yes (invalid) _____	No (valid) _____
Claim 4	Yes (invalid) _____	No (valid) _____
Claim 5	Yes (invalid) _____	No (valid) _____
Claim 6	Yes (invalid) _____	No (valid) _____
Claim 7	Yes (invalid) _____	No (valid) _____
Claim 8	Yes (invalid) _____	No (valid) _____
Claim 9	Yes (invalid) _____	No (valid) _____
Claim 10	Yes (invalid) _____	No (valid) _____
Claim 11	Yes (invalid) _____	No (valid) _____
Claim 12	Yes (invalid) _____	No (valid) _____
Claim 13	Yes (invalid) _____	No (valid) _____
Claim 14	Yes (invalid) _____	No (valid) _____
Claim 15	Yes (invalid) _____	No (valid) _____
Claim 16	Yes (invalid) _____	No (valid) _____
Claim 17	Yes (invalid) _____	No (valid) _____ <sup>2</sup>

---

<sup>2</sup> Novozymes contends that Danisco is not entitled to ask the jury for a finding of invalidity on unasserted claims 6–7, 14 and 17.

**Question No. 3:** Has Danisco proven by clear and convincing evidence that any of the following claims of the '723 patent is not enabled?

**Answer:**

Claim 1	Yes (invalid) _____	No (valid) _____
Claim 2	Yes (invalid) _____	No (valid) _____
Claim 3	Yes (invalid) _____	No (valid) _____
Claim 4	Yes (invalid) _____	No (valid) _____
Claim 5	Yes (invalid) _____	No (valid) _____
Claim 6	Yes (invalid) _____	No (valid) _____
Claim 7	Yes (invalid) _____	No (valid) _____
Claim 8	Yes (invalid) _____	No (valid) _____
Claim 9	Yes (invalid) _____	No (valid) _____
Claim 10	Yes (invalid) _____	No (valid) _____
Claim 11	Yes (invalid) _____	No (valid) _____
Claim 12	Yes (invalid) _____	No (valid) _____
Claim 13	Yes (invalid) _____	No (valid) _____
Claim 14	Yes (invalid) _____	No (valid) _____
Claim 15	Yes (invalid) _____	No (valid) _____
Claim 16	Yes (invalid) _____	No (valid) _____
Claim 17	Yes (invalid) _____	No (valid) _____ <sup>3</sup>

---

<sup>3</sup> Novozymes contends that Danisco is not entitled to ask for a finding of invalidity on unasserted claims 6–7, 14 and 17. Novozymes also contends that Danisco is not entitled to ask for a finding of lack of enablement on claim 16.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

---

Presiding Juror

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

NOVOZYMES A/S and NOVOZYMES  
NORTH AMERICA, INC.,

Plaintiffs,

v.

DANISCO A/S, GENENCOR  
INTERNATIONAL WISCONSIN, INC.,  
DANISCO US INC., and DANISCO USA  
INC.,

Defendants.

Case No. 10-CV-251

Judge Barbara C. Crabb

**VERDICT FORM – 2**

We, the jury, find as follows:

**Question No. 1:** Has Danisco proven by clear and convincing evidence that Novozymes derived the invention claimed in any of the following claims of the '723 patent from Danisco?

**Answer:**

Claim 1	Yes (invalid) _____	No (valid) _____
Claim 2	Yes (invalid) _____	No (valid) _____
Claim 3	Yes (invalid) _____	No (valid) _____
Claim 4	Yes (invalid) _____	No (valid) _____
Claim 5	Yes (invalid) _____	No (valid) _____
Claim 6	Yes (invalid) _____	No (valid) _____
Claim 7	Yes (invalid) _____	No (valid) _____
Claim 8	Yes (invalid) _____	No (valid) _____
Claim 9	Yes (invalid) _____	No (valid) _____
Claim 10	Yes (invalid) _____	No (valid) _____

Claim 11	Yes (invalid) _____	No (valid) _____
Claim 12	Yes (invalid) _____	No (valid) _____
Claim 13	Yes (invalid) _____	No (valid) _____
Claim 14	Yes (invalid) _____	No (valid) _____
Claim 15	Yes (invalid) _____	No (valid) _____
Claim 16	Yes (invalid) _____	No (valid) _____
Claim 17	Yes (invalid) _____	No (valid) _____ <sup>4</sup>

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

---

Presiding Juror

---

<sup>4</sup> Novozymes contends that Danisco is not entitled to ask the jury for a finding of invalidity on unasserted claims 6–7, 14 and 17.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

NOVOZYMES A/S and NOVOZYMES  
NORTH AMERICA, INC.,

Plaintiffs,

v.

DANISCO A/S, GENENCOR  
INTERNATIONAL WISCONSIN, INC.,  
DANISCO US INC., and DANISCO USA  
INC.,

Defendants.

Case No. 10-CV-251

Judge Barbara C. Crabb

**VERDICT FORM - 3**

We, the jury, find as follows:

**Question No. 1:** What amount of money damages has Novozymes proven by a preponderance of the evidence is adequate to compensate Novozymes for Danisco's infringement of the '723 patent?

**Answer:** \$ \_\_\_\_\_

**Question No. 2:** Has Novozymes proven by clear and convincing evidence that Danisco's infringement of the '723 patent was willful?

**Answer:** Yes \_\_\_\_\_ No \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

\_\_\_\_\_  
Presiding Juror



Dated: October 16, 2011

Respectfully submitted,

By: s/Ewa M. Davison

---

David K. Tellekson (Admitted *pro hac vice*)  
Virginia K. DeMarchi (Admitted *pro hac vice*)  
Brian D. Buckley (Admitted *pro hac vice*)  
Robert L. Jacobson (Admitted *pro hac vice*)  
Melanie L. Mayer (Admitted *pro hac vice*)  
Ewa M. Davison (Admitted *pro hac vice*)  
Jeffrey V. Lasker (Admitted *pro hac vice*)  
FENWICK & WEST LLP  
1191 Second Avenue, 10th Floor  
Seattle, Washington 98101  
Telephone: (206) 389-4510  
Facsimile: (206) 389-4511  
Email: [dtellekson@fenwick.com](mailto:dtellekson@fenwick.com)  
[vdemarchi@fenwick.com](mailto:vdemarchi@fenwick.com)  
[bbuckley@fenwick.com](mailto:bbuckley@fenwick.com)  
[rjacobson@fenwick.com](mailto:rjacobson@fenwick.com)  
[mmayer@fenwick.com](mailto:mmayer@fenwick.com)  
[edavison@fenwick.com](mailto:edavison@fenwick.com)  
[jlasker@fenwick.com](mailto:jlasker@fenwick.com)

Allen A. Arntsen  
Foley & Lardner LLP  
Verex Plaza, 150 East Gilman Street  
Madison, WI 53703  
Telephone: (608) 257-5035  
Facsimile: (608) 258-4258  
Email: [aarntsen@foley.com](mailto:aarntsen@foley.com)

Kimberly K. Dodd  
Foley & Lardner LLP  
777 East Wisconsin Avenue  
Milwaukee, WI 53202  
Telephone: (414) 271-2400  
Facsimile: (414) 297-4900  
Email: [kdodd@foley.com](mailto:kdodd@foley.com)

Attorneys for Plaintiffs  
NOVOZYMES A/S and  
NOVOZYMES NORTH AMERICA, INC.